

(Added Pub. L. 110-181, div. A, title III, §376(a), Jan. 28, 2008, 122 Stat. 84.)

CHAPTER 153—EXCHANGE OF MATERIAL AND DISPOSAL OF OBSOLETE, SURPLUS, OR UNCLAIMED PROPERTY

Sec.

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AMENDMENTS

2011—Pub. L. 111-383, div. A, title X, §1072(c)(2), Jan. 7, 2011, 124 Stat. 4366, substituted “Surplus military equipment: sale to State and local law enforcement, firefighting, homeland security, and emergency management agencies” for “Surplus military equipment: sale to State and local law enforcement and firefighting agencies” in item 2576.

2006—Pub. L. 109-364, div. A, title III, §352(b), div. B, title XXVIII, §2825(d)(1)(B), Oct. 17, 2006, 120 Stat. 2161, 2477, substituted “supplies” for “property” in item 2571 and “animals” for “working dogs” in item 2583.

Pub. L. 109-163, div. A, title V, §599(d), Jan. 6, 2006, 119 Stat. 3284, struck out “at end of useful working life” after “adoption” in item 2583.

2001—Pub. L. 107-107, div. A, title X, §1048(a)(25), Dec. 28, 2001, 115 Stat. 1224, redesignated item 2582 relating to military working dogs as item 2583.

2000—Pub. L. 106-446, §1(b), Nov. 6, 2000, 114 Stat. 1933, added item 2582 relating to military working dogs.

Pub. L. 106-398, §1 [[div. A], title III, §381(b), title XVII, §1706(b)], Oct. 30, 2000, 114 Stat. 1654, 1654A-85, 1654A-367, added items 2576b and 2582 relating to military equipment identified on United States munitions list.

1998—Pub. L. 105-261, div. A, title XII, §1234(b), Oct. 17, 1998, 112 Stat. 2157, added item 2581.

1997—Pub. L. 105-85, div. A, title X, §1063(b), Nov. 18, 1997, 111 Stat. 1893, added item 2580.

1996—Pub. L. 104-201, div. A, title X, §1033(a)(2), Sept. 23, 1996, 110 Stat. 2640, added item 2576a.

1993—Pub. L. 103-160, div. A, title XI, §1171(a)(2), Nov. 30, 1993, 107 Stat. 1766, added item 2579.

1988—Pub. L. 100-456, div. A, title III, §324(b), Sept. 29, 1988, 102 Stat. 1954, substituted “Documents, historical artifacts, and condemned or obsolete combat materiel: loan, gift, or exchange” for “Condemned or obsolete material: loan or gift to certain organizations” in item 2572.

Pub. L. 100-370, §1(k)(2), July 19, 1988, 102 Stat. 848, added item 2578.

1982—Pub. L. 97-214, §6(b)(2), July 12, 1982, 96 Stat. 172, added item 2577.

1980—Pub. L. 96-513, title V, §511(83)(B), Dec. 12, 1980, 94 Stat. 2927, struck out item 2573 “Excess property: transfers to Canal Zone Government”.

1968—Pub. L. 90-500, title IV, §403(b), Sept. 20, 1968, 82 Stat. 851, added item 2576.

1958—Pub. L. 85-861, §1(50), Sept. 2, 1958, 72 Stat. 1459, substituted “property” for “supplies” in item 2571.

§ 2571. Interchange of supplies and services

(a) If either of the Secretaries concerned requests it and the other approves, supplies may be transferred, without compensation, from one armed force to another.

(b) If its head approves, a department or organization within the Department of Defense may, upon request, perform work and services for, or furnish supplies to, any other of those departments or organizations, without reimbursement or transfer of funds.

(c) If military or civilian personnel of a department or organization within the Department of Defense are assigned or detailed to another of those departments or organizations, and if the head of the department or organization to which they are transferred approves, their pay and allowances and the cost of transporting their dependents and household goods may be charged to an appropriation that is otherwise available for those purposes to that department or organization.

(d) No agency or official of the executive branch of the Federal Government may establish any regulation, program, or policy or take any other action which precludes, directly or indirectly, the Secretaries concerned from exercising the authority provided in this section.

(Aug. 10, 1956, ch. 1041, 70A Stat. 143; Pub. L. 85-861, §1(49), Sept. 2, 1958, 72 Stat. 1459; Pub. L. 99-167, title VIII, §821, Dec. 3, 1985, 99 Stat. 991; Pub. L. 109-364, div. B, title XXVIII, §2825(c)(1), (d)(1)(A), Oct. 17, 2006, 120 Stat. 2477.)

HISTORICAL AND REVISION NOTES **1956 ACT**

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
2571(a) [now (b)].	5:171t (less clause (2)).	Oct. 29, 1949, ch. 787, §621, 63 Stat. 1020.
2571(b) [now (c)].	5:171t (clause 2)).	

In subsection (a), the words “After June 30, 1949” are omitted as executed. The words “may perform work and services for, or furnish supplies to” are substituted for the words “services, work, supplies, materials, and equipment may be rendered or supplied”, since the word “supplies”, as defined in section 101(26) of this title, includes “equipment” and “material”. The words “upon request” are inserted for clarity.

In subsection (b), the words “on a reimbursable or other basis as authorized by law”, “to duty”, and “naval” are omitted as surplusage.

1958 ACT

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
2571(a)	14:640.	June 15, 1955, ch. 142, 69 Stat. 134.

In subsection (a), the first 12 words are substituted for 14:640 (last 20 words). The words “may be transferred” are substituted for the words “The interchange

... is authorized", since the words "without compensation" authorize a simple one-way transfer, while the word "interchange" normally means a mutual exchange. The words "military stores . . . and equipment of every character" are omitted as covered by the word "supplies" as defined in section 101(26) of this title. The words "armed force" are substituted for the enumeration of the armed forces.

AMENDMENTS

2006—Pub. L. 109-364, §2825(d)(1)(A), substituted "supplies" for "property" in section catchline.

Subsec. (a). Pub. L. 109-364, §2825(c)(1), struck out "and real estate" after "supplies".

1985—Subsec. (d). Pub. L. 99-167 added subsec. (d).

1958—Pub. L. 85-861, §1(49)(A), substituted "property" for "supplies" in section catchline.

Subsecs. (a) to (c). Pub. L. 85-861, §1(49)(B), (C), added subsec. (a) and redesignated former subsecs. (a) and (b) as (b) and (c), respectively.

DISTRIBUTION TO INDIAN HEALTH SERVICE FACILITIES AND CERTAIN HEALTH CENTERS; PROPERTY DISPOSAL PRIORITY

Pub. L. 110-329, div. C, title VIII, §8075, Sept. 30, 2008, 122 Stat. 3638, provided that:

"(a) During the current fiscal year and hereafter, the Secretary of Defense, in coordination with the Secretary of Health and Human Services, may carry out a program to distribute surplus dental and medical equipment of the Department of Defense, at no cost to the Department of Defense, to Indian Health Service facilities and to federally-qualified health centers (within the meaning of section 1905(l)(2)(B) of the Social Security Act (42 U.S.C. 1396d(l)(2)(B))).

"(b) In carrying out this provision, the Secretary of Defense shall give the Indian Health Service a property disposal priority equal to the priority given to the Department of Defense and its twelve special screening programs in distribution of surplus dental and medical supplies and equipment."

§ 2572. Documents, historical artifacts, and condemned or obsolete combat materiel: loan, gift, or exchange

(a) The Secretary concerned may lend or give items described in subsection (c) that are not needed by the military department concerned (or by the Coast Guard, in the case of the Secretary of Homeland Security), to any of the following:

(1) A municipal corporation, county, or other political subdivision of a State.

(2) A servicemen's monument association.

(3) A museum, historical society, or historical institution of a State or a foreign nation or a nonprofit military aviation heritage foundation or association incorporated in a State.

(4) An incorporated museum or memorial that is operated and maintained for educational purposes only and the charter of which denies it the right to operate for profit.

(5) A post of the Veterans of Foreign Wars of the United States or of the American Legion or a unit of any other recognized war veterans' association.

(6) A local or national unit of any war veterans' association of a foreign nation which is recognized by the national government of that nation (or by the government of one of the principal political subdivisions of that nation).

(7) A post of the Sons of Veterans Reserve.

(b)(1) Subject to paragraph (2), the Secretary concerned may exchange items described in sub-

section (c) that are not needed by the armed forces for any of the following items or services if such items or services directly benefit the historical collection of the armed forces:

(A) Similar items held by any individual, organization, institution, agency, or nation.

(B) Conservation supplies, equipment, facilities, or systems.

(C) Search, salvage, or transportation services.

(D) Restoration, conservation, or preservation services.

(E) Educational programs.

(2) The Secretary concerned may not make an exchange under paragraph (1) unless the monetary value of property transferred, or services provided, to the United States under the exchange is not less than the value of the property transferred by the United States. The Secretary concerned may waive the limitation in the preceding sentence in the case of an exchange of property for property in any case in which the Secretary determines that the item to be received by the United States in the exchange will significantly enhance the historical collection of the property administered by the Secretary.

(c) This section applies to the following types of property held by a military department or the Coast Guard: books, manuscripts, works of art, historical artifacts, drawings, plans, models, and condemned or obsolete combat materiel.

(d)(1) A loan or gift made under this section shall be subject to regulations prescribed by the Secretary concerned and to regulations under section 121 of title 40. The Secretary concerned shall ensure that an item authorized to be donated under this section is demilitarized in the interest of public safety, as determined necessary by the Secretary or the Secretary's delegatee.

(2)(A) Except as provided in subparagraph (B), the United States may not incur any expense in connection with a loan or gift under subsection (a), including any expense associated with demilitarizing an item under paragraph (1), for which the recipient of the item shall be responsible.

(B) The Secretary concerned may, without cost to the recipient, demilitarize, prepare, and transport in the continental United States for donation to a recognized war veterans' association an item authorized to be donated under this section if the Secretary determines the demilitarization, preparation, and transportation can be accomplished as a training mission without additional budgetary requirements for the unit involved.

(Aug. 10, 1956, ch. 1041, 70A Stat. 143; Pub. L. 96-513, title V, §511(82), Dec. 12, 1980, 94 Stat. 2927; Pub. L. 100-456, div. A, title III, §324(a), Sept. 29, 1988, 102 Stat. 1954; Pub. L. 101-510, div. A, title III, §325, Nov. 5, 1990, 104 Stat. 1531; Pub. L. 102-484, div. A, title III, §373, Oct. 23, 1992, 106 Stat. 2385; Pub. L. 103-337, div. A, title X, §1071, Oct. 5, 1994, 108 Stat. 2859; Pub. L. 104-106, div. A, title III, §372, Feb. 10, 1996, 110 Stat. 280; Pub. L. 107-107, div. A, title X, §1043(d), Dec. 28, 2001, 115 Stat. 1219; Pub. L. 107-217, §3(b)(9), Aug. 21, 2002, 116 Stat. 1296; Pub. L. 107-296, title XVII, §1704(b)(1), Nov. 25, 2002, 116 Stat. 2314; Pub. L.